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President: Mr. Jeremić ..... (Serbia)

The meeting was called to order at 10.20 a.m.

Agenda items 72 and 73

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General transmitting the seventeenth annual report of the International Criminal Tribunal (A/67/253)

Report of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Note by the Secretary-General transmitting the nineteenth annual report of the International Tribunal (A/67/214)

The President: I now give the floor to Judge Vagn Joensen, President of the International Criminial Tribunal for Rwanda.

Mr. Joensen (International Criminal Tribunal for Rwanda): I would like to start by extending my sincere congratulations to you, Sir, on your election as President of the Assembly. I wish you a successful term in office.

It is a great honour for me to address the members of the General Assembly for the first time and to present the seventeenth annual report (A/67/253) of the International Criminal Tribunal for Rwanda (ICTR). I am pleased to report this will be one of the last speeches the President of the ICTR makes to the General Assembly with respect to the annual report, as we are rapidly approaching the conclusion of our mandate.

It is my pleasure to report that we have accomplished a great deal towards the completion of our work over the past year. We remain on schedule for delivery of the final remaining trial judgement by the end of this year and completion of all appeals by the end of 2014. Since last year's report to the Assembly (A/66/209), the Tribunal has undergone a significant shift in focus with respect to judicial and administrative activities alike. Judicial and legal activity has become more focused on requests for referral of cases to Rwanda, and administrative energies are increasingly spent on downsizing and providing support to the Arusha branch of the International Residual Mechanism for Criminal Tribunals, which began its work in July. However, none of this has taken away from the nucleus of our work — completing all trial and appellate proceedings in a fair and expeditious manner.

During the reporting period from 1 July 2011 to 30 June 2012, the Tribunal rendered five trial judgements and seven appeals judgements, involving a total of 17 accused. As of today, the total number of people whose judgements have been completed at the trial level is 74 and the total number of persons

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whose cases have been completed at the appellate level is 44. In September 2011, the Tribunal rendered the second-to-last multi-accused judgement in the case of *Bizimungu et al.* with respect to four accused, and in December 2011 the final multi-accused trial judgement was delivered in the *Karemera et al.* case. This marked the most expeditious judgement delivery in a multi-accused case, demonstrating that the efforts to improve efficiency begun by President Byron several years ago have had a positive impact on the Tribunal's completion strategy, without compromising fair trial rights.

Additionally, in December 2011, the Appeals Chamber upheld the first decision to refer an ICTR case to Rwanda for trial. After the arrangements for monitoring the trial in Rwanda were established, Jean Uwinkindi was transferred to Rwanda in April 2012, where he is currently awaiting the commencement of his trial. The Tribunal will monitor the Uwinkindi trial closely, and continues to offer ongoing capacity-building support to further strengthen the Rwandan judiciary, in particular with respect to witness protection.

A second decision to refer an accused in the custody of the Tribunal was rendered by the Trial Chamber in June with respect to Bernard Munyagishari. The decision to refer the case to Rwanda is currently under appeal. We anticipate that the appeals decision on the Munyagishari referral will be rendered before the end of the year, as will the final remaining trial judgement in the *Ngirabatware* case. I note that any appeal in the *Ngirabatware* case would be handled by the Mechanism, as the deadline for appeals to be filed with the ICTR was 30 June, and that we remain on track to complete the current pending appeals by the end of 2014.

It must also be noted that the responsibility for two pending contempt of court/false testimony cases, where indictments have already been confirmed, remains with the ICTR. This means that it could be necessary to call ad litem judges from the roster in order to constitute benches for these contempt trials in the event that arrests are made. It is anticipated that any contempt trial could be concluded approximately one year from the time of arrest and transfer to the ICTR.

We would not be at such an advanced stage without the efforts of our entire staff, and their contributions have not gone unnoticed. The 11 permanent judges and three ad litem judges who work in the Trial and Appeals Chambers continue to work tirelessly to complete the Tribunal's work. On 29 June of this year, the Security Council adopted resolution 2054 (2012), permitting three of my fellow judges and me to serve beyond the expiry of our terms of office to fulfil the completion strategy. At this time, I would like to thank the Security Council for making these extensions possible, and our judges for their dedication and willingness to remain with the Tribunal in order to complete their work.

I would like to take this opportunity to congratulate ICTR Prosecutor Hassan Jallow, who was appointed by the Secretary-General earlier this year as Prosecutor of the Mechanism. Mr. Jallow will also continue serving as Prosecutor of the ICTR and has been making tremendous efforts to facilitate the transfer of cases to the Mechanism.

Fugitive tracking is at the core of the Prosecutor's remaining work in his role in the Mechanism. There are still nine fugitives at large who were indicted by the ICTR. None, however, will be tried by the ICTR. Three of the fugitives are considered by the Prosecutor to be among those most responsible for the planning and execution of the genocide, and he has therefore determined that their cases should remain before an international tribunal. Félicien Kabuga, Protais Mpiranya and Augustin Bizimana will stand trial before the Mechanism when they are arrested. The preservation of evidence proceedings under rule 71 bis was completed for all three during the reporting period to help ensure that evidence is still available when those high-ranking fugitives are arrested. The cases of the remaining six fugitives have been referred to Rwanda, and the Office of the Prosecutor has worked closely with the Rwandan Prosecutor-General to hand over case files and share information.

I would now like to take a moment to express my congratulations to both the Registrar and the President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), who were appointed earlier this year to double-hat in their respective positions in the Mechanism. I would also like to commend the former ICTR Registrar, Mr. Adama Dieng, who after over a decade of service with the ICTR, was recently appointed Special Adviser to the Secretary-General on the Prevention of Genocide. I congratulate Mr. Dieng on this well-deserved career achievement, and applaud the Secretary-General on his choice for Special Adviser. Mr. Dieng is eminently qualified for the position of Special Adviser on the Prevention of Genocide, and the ICTR looks forward to working closely with him where

opportunities arise to combine our efforts in the battle against impunity.

I would also like to thank Mr. Dieng for all that he and his staff have done to assist with making practical arrangements for the coordinated provision of administrative and other services to the Mechanism, in line with Security Council resolution 1966 (2010), and for his continued work with Member States on a number of matters, including various cooperation issues, enforcement of sentences, and the relocation of persons acquitted by the tribunals and those who have finished serving their sentences.

In terms of preparing the Tribunal's records for transfer to the Mechanism, we would like to thank the ICTR Archives and Records Management Working Group for all of its hard work throughout this process. We also thank those offices with which they have worked closely to develop the recently published Secretary-General's bulletin entitled "International Criminal Tribunals: information sensitivity, classification, handling, and access" (ST/SGB/2012/3) to the records of the Tribunals and Mechanism, including the Mechanism, the ICTY, the Office of Legal Affairs (OLA), and the Archives and Records Management Section of the Department of Management. During the reporting period, the ICTR and ICTY also worked closely with OLA to develop the Rules of Procedure and Evidence of the Residual Mechanism, leading to its publication this past June.

Next, I turn to the future. We are very grateful to the Secretary-General for his prompt appointment of Mr. Pascal Besnier, former Acting Deputy Registrar of the Tribunal, as the Acting Registrar, and would like to congratulate Mr. Besnier on his appointment. The quick action of the Secretary-General in the matter has ensured that the ICTR Registry will have a seamless transition of leadership throughout the interim period until the recruitment process for a new Registrar has been completed. A great deal of work awaits the incoming Registrar in terms of downsizing and providing support to the Mechanism in order to facilitate transfer of functions from the ICTR to the Mechanism. The Tribunal is thankful to have Mr. Besnier undertaking that process until a new Registrar is appointed.

I now turn to an issue that has been at the forefront of problems facing the Tribunal in recent years, and it is one that will continue to plague us in the future if action is not taken. Following the trial judgement last year in the *Bizimungu et al.* case, there are now five acquitted persons for whom the Tribunal is obliged to provide protection in Arusha. Acquitted persons at present reside in a safe house, without travel documents, separated from their families, with limited freedom of movement, and not permitted access to employment.

The rule of law requires that those who have been lawfully acquitted be able to recommence their lives in full enjoyment of their rights, yet there are individuals who have now been residing at the safe house far beyond a reasonable period of time. One such acquitted person has now been there for over six years. Without the support of Member States to accept the individuals, it is impossible to predict how much longer they may remain stranded in Arusha. I therefore reiterate the pleas of my two predecessors for the renewed cooperation of Member States to implement a strategy that would make relocations possible.

I will now conclude with some thoughts on the legacy of the Tribunal. This year, the downsizing process that began in 2008 to 2009 continued with approximately 100 staff being separated since January. As our last staff members leave, we lose our collective experience and memory. If it is not captured now, it will be very difficult to retrieve in the future. Therefore, the ICTR has engaged in several outreach activities as a means of collecting and sharing the most important aspects of the work of the Tribunal before it closes its doors. The ICTR Legacy Committee, combined with Tribunal-wide efforts, continues to work vigorously to preserve records. The legacy team of the Office of the Prosecutor continues apace and is at an advanced stage of completion of its legacy projects.

Over the past year, ICTR legacy projects have included involvement in the youth sensitization and genocide protection project in the Great Lakes region, as well as capacity-building activities for approximately 100 legal professionals in Rwanda. Additionally, throughout the current downsizing phase, the Tribunal has attracted a higher number of visitors, and more than 500,000 individuals visited the Tribunal's website during this reporting period alone. If resources are not allocated to preserve our legacy, we will be in danger of losing the lessons learned by an institution that has helped to shape international law. We hope that the General Assembly will continue to support our efforts to preserve our legacy through those projects.

On behalf of the entire Tribunal, I wish to express our gratitude for the support that the Governments of Member States have shown over the past 18 years.

Member States have continuously assisted the Tribunal by arresting accused persons, providing facilities for incarcerating convicted persons, demonstrating an outstanding willingness to facilitate the transfer of witnesses from their territories, and by making voluntary donations of financial and other assistance. Over 70 nationalities are represented at the Tribunal, and we cannot overemphasize how great a role Member States and each Tribunal staff member have played throughout these 18 years. As our work nears conclusion, I must say that it is an honour to be part of the Tribunal, and it has been a great pleasure and honour addressing the General Assembly today.

The President: I call on Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia.

Judge Meron (International Tribunal for the Former Yugoslavia): It is an honour for me to be here today to present the Tribunal's nineteenth annual report to the General Assembly (A/67/214). Mr. President, I would also like to take this moment to congratulate you on your assumption of the presidency of the General Assembly.

As members of the Assembly may be aware, this is my second term as President of the International Criminal Tribunal for the Former Yugoslavia (ICTY), my first having been in the years 2003 to 2005. With my new term come the same obligations to the international community that were present with the first. Chief among them is the need to expeditiously complete the mandate of the Tribunal while according full respect to the due process rights of the accused and due regard to the protection of victims and witnesses.

As will be known from my report, the Tribunal is very close to the completion of its mandate, and all efforts are being expended to ensure the orderly completion of the Tribunal's work within the timelines set by the Security Council. But, as the international community has learned over the years, the international criminal trial process is inevitably subject to the vagaries common to all criminal law proceedings, such as late disclosures of exculpatory material. Our trials are further complicated, however, by the inherent complexity of international criminal proceedings, including the geographical scope of the underlying allegations, the number of incidents charged, and the fact that the trials are conducted far from the territory on which the crimes were committed.

Unforeseen circumstances also arise that have an impact on the expeditious conduct of both trials and appeals, such as the illness of an accused, the death of counsel, delays caused by the right of the accused to have materials translated into his or her own language, and delays in State cooperation or in the securing of witnesses. In addition, the progress of cases may be adversely impacted by the loss of experienced and talented Tribunal staff in Chambers, as well as by the commitments of judges and staff alike to other, simultaneous proceedings, including trials for core crimes and trials for contempt.

These factors create myriad challenges for the Tribunal and underscore the fact that predicting the length of proceedings at the Tribunal is, at best, an art and not a science. Despite these challenges, however, the Tribunal remains steadfast in its commitment to satisfying the desire of the international community that the Tribunal bring its proceedings to a close, and my colleagues and I continue to seek out new and innovative means to increase our efficiency without sacrificing our commitment to quality and due process.

We are already making tremendous progress. Within the next 12 months, it is anticipated that all trials, other than those of the recently arrested accused, will be completed, and the bulk of the Tribunal's work will be on appeals. Most of those appeals will be completed by the Appeals Chamber by December 2014; others will fall to the competence of the International Residual Mechanism for Criminal Tribunals — now known simply as the Mechanism for International Criminal Tribunals — which is the institution established by the Security Council to assume responsibility for core functions of the ICTY and the International Criminial Tribunal for Rwanda, as those first two pioneering institutions bring their work to a close. The Arusha branch of the Mechanism commenced operations on 1 July 2012, in full conformity with Security Council resolution 1966 (2010), and I expect that the launch of The Hague branch of the Mechanism on 1 July 2013 will go just as smoothly.

As I noted at the outset, this is the Tribunal's nineteenth annual report to the General Assembly, and next May we will celebrate 20 years since the Security Council took the vitally important step of establishing the ICTY. In the light of this milestone, I think it only fitting to focus for a moment on the remarkable achievements of the Tribunal during the intervening years — achievements that have not only contributed to

bringing peace and reconciliation to the countries of the former Yugoslavia, but have resonated far beyond that region, leading to the creation of other international courts and tribunals and forging a new international culture of accountability.

I need not remind the Assembly that following the closure of the Nuremberg and Tokyo tribunals after the Second World War, the idea of international criminal justice — of holding those who are alleged to have committed the worst of crimes accountable — was all but forgotten. With the creation of the Tribunal in 1993, however, came a new awakening. Admittedly, when it was first established, the Tribunal was little more than an ideal — an expression of the outrage of the international community at the atrocities that were being broadcast on television screens as the conflict raged throughout the former Yugoslavia. At the time, there was little real faith or real comprehension about what the Tribunal could actually achieve as a measure to bring justice or even restore peace. It was just hoped that the Tribunal could do something.

From its very first trial, the Tribunal demonstrated to the international community that it could do much more. In judgement after judgement, the Tribunal not only patiently and painstakingly considered the evidence and testimony concerning crimes alleged to have occurred du ing some of the worst conflicts in a generation; it also breathed life into laws that had hitherto rarely been applied, and began the vital process of elucidating and defining the contours of international humanitarian law, all the while paying full respect to the rights of the accused and the principle of legality.

Indeed, from the very beginning, the Tribunal made great strides in articulating a coherent and robust body of customary international humanitarian law and great advancements, particularly in relation to crimes of a sexual nature, which had been predominately untouched by its Second World War predecessors. Through its judgements, the Tribunal clarified that the crime of rape could also constitute the crime of torture and the crime of genocide. The Tribunal determined that lack of evidence of resistance to a sexual crime could not be the basis to infer consent during times of armed conflict, and that the uncorroborated evidence of a single witness, if found reliable and credible, could be sufficient to support a conviction for rape. In doing so, the Tribunal led the way for a new focus by the international community on crimes of sexual violence during armed conflict, and motivated the United Nations to take action in support of women and other victims the world over.

In addition, the Tribunal led the way in finding that State immunity is not a bar to prosecution in an international tribunal — a finding confirmed by the International Court of Justice in the *Arrest Warrant* case. The rulings of the Tribunal helped to make it possible for other courts, such as the Special Court for Sierra Leone, to bring charges against former Heads of State and other key leaders, and for adoption of a provision in the Statute of the International Criminal Court removing the protection of immunity for Heads of State.

The Tribunal has also played a fundamental role in highlighting the dissolution of the traditional distinction between laws applicable to international armed conflict and those applicable to internal armed conflict. The Tribunal found that the same rules could and should be applied to both international and non-international conflicts, and that civilians everywhere were entitled to the same protections no matter the legal characterization of an armed conflict. The Tribunal also clarified what it meant to be a protected person under the Geneva Conventions, finding that allegiance and effective protection were the guiding criteria and not nationality — a factor that offered no protection where inter-ethnic violence was concerned.

However, the Tribunal's achievements are not limited to substantive law. Indeed, the ICTY has also made extremely significant contributions to international criminal procedural and evidentiary law. The Tribunal has successfully moulded the best aspects of adversarial and civil law procedures, creating an international body of procedural law that provides not just for expeditious trials, but for trials that are also consistent with the highest international standards of due process and accord due respect to the human dignity of the accused. It is telling that the Tribunal's Rules of Procedure and Evidence have formed the basis of the rules of procedure and evidence adopted by international criminal courts that followed.

At the same time, the Tribunal has also had a profound impact on the development of the legal systems of the countries of the former Yugoslavia, and has made great contributions to the capacity of those countries to take ownership of cases involving alleged atrocities on their territories and to bring to justice those who remain to be prosecuted. Among other things, the Tribunal assisted in the establishment of the Special

War Crimes Chamber in Bosnia; shared its experience and expertise with judges from Serbia, Croatia, and Bosnia; and demonstrated its faith in the professional competence of its counterparts in the region through the transfer of its lower- and intermediate-level accused for prosecution.

In sum, the Tribunal has truly been a success story. But if I have referred today to the Tribunal's many accomplishments, it is equally clear to me that these are truly the achievements of all States Members of the United Nations as well. Without the substantial support that Member States have long afforded the Tribunal, none of what we have accomplished would have been possible. Because of their cooperation and commitment, the Tribunal and the success of its work over the past two decades have had a profound impact on the landscape of international criminal justice. So while the international community understandably wishes to bring the Tribunal's work to a close as expeditiously as possible, I hope that its members will also reflect, with justifiable pride, upon the extraordinary benefits that have accrued from the international community's initial investment in the Tribunal and from their support in the years that followed.

Over the course of the nearly two decades of its existence, the Tribunal has established the feasibility and enforceability of international criminal justice, blazed the trail for a host of new international courts and tribunals and pioneered the framework of what is effectively a new world order, in which all alleged perpetrators of gross violations of humanitarian norms and human rights in times of armed conflict may be held responsible for their actions, and in which the question is not if, but when and where they will be called to account. I congratulate my fellow colleagues on that accomplishment, and extend my deepest thanks for their abiding faith in our work.

The President: I now give the floor to the observer of the European Union.

Mr. Vrailas (European Union): I have the honour to speak on behalf of the European Union and its member States.

This year once again, the European Union and its member States reaffirm their unwavering support for the work of the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY). Both Tribunals are making invaluable contributions to our shared goal of ending impunity for serious international crimes. The European Union and its member States thank both President Meron and President Joensen for their briefings and commend them for their efforts in completing the work of the Tribunals. We also pay special tribute to the work of all the staff of the Tribunals.

The Tribunals have played key roles in strengthening the rule of law and promoting long-term stability and reconciliation — and not only in the Balkans and Rwanda. Their jurisprudence has had far wider effects. Since their establishment, both Tribunals have embodied the need to fight impunity and the refusal of the international community to let the perpetrators of the most serious crimes of international concern escape justice. They were forerunners in creating jurisprudence that is a source of inspiration to all national and international jurisdictions that are addressing and will have to address such crimes. Their record bears that out.

International criminal justice does exist now with the permanent International Criminal Court; it prevails, and sooner or later, the perpetrators will be held accountable for their crimes. The arrests and swift transfers to The Hague of the long-sought fugitives Ratko Mladić and Goran Hadžić demonstrated that. Their trials, as in all of the other cases ongoing before the Courts, will fulfil the duty to provide justice for the victims and their families. We recall that States' cooperation remains the cornerstone of the Tribunals' ability to complete their mandate, in particular cooperation in bringing those indicted before justice.

With respect to the ICTR, we recall that despite the continuing appeals of the international community, nine accused individuals remain at large. The failure to arrest those indictees remains a matter of grave concern. Among those still at large are three key indictees allegedly responsible for the most serious atrocities, including Félicien Kabuga. We call on all States concerned to intensify their efforts to ensure that all indictees are arrested and surrendered to the ICTR.

We note that the cooperation of Serbia, Croatia and Bosnia and Herzegovina with the ICTY was generally adequate during the reporting period, which saw Serbia in particular meet one of its key obligations with the apprehension of Goran Hadžić, the final indictee to be tried before the Tribunal. The countries remain committed to meeting their obligations to the Tribunal and justice. Completing the process of rendering justice for crimes committed during the conflicts in the former

Yugoslavia is essential for lasting reconciliation. Full cooperation with the ICTY remains an essential condition for the Stabilization and Association Process in the western Balkans, and is an essential condition for membership of the European Union.

Mr. Momen (Bangladesh), Vice-President, took the Chair.

The European Union and its Member States also call upon the Governments concerned to pursue with greater vigour the proper conduct of domestic war crime trials. Political leaders should avoid statements and measures that could call into question the importance of reconciliation and the need to serve justice through the prosecution of war crimes. We continue to urge all States to cooperate with both Tribunals in full adherence to their obligations under the relevant Security Council resolutions.

With regard to the ICTR, the European Union and its member States note with appreciation that the Prosecutor has intensified efforts to track the remaining fugitives, and in this regard has sought support from regional organizations in eastern and southern Africa. We also note that active consultations with INTERPOL and with Member States elsewhere have also assisted in narrowing the search for the three top-level fugitives. Cooperation with States is needed to ensure that the fugitives are apprehended.

In recognition of strengthened domestic capacity, the Security Council in its resolutions 1503 (2003) and 1534 (2004) called on the ICTY and ICTR to transfer all lower- and mid-level accused to competent national jurisdictions for trial by domestic courts. We welcome the ongoing efforts of Rwanda, in cooperation with international donors, to strengthen the Rwandan legal system and its ability to adjudicate cases from the ICTR.

The European Union and its member States confirm their commitment to supporting activities aimed at strengthening the capacity of the Rwandan judiciary. We note with appreciation that the Prosecutor of the ICTR has completed the preparation of the case files for the fugitives earmarked for transfer to national jurisdictions, and that the Office of the Prosecutor has handed over the completed dossiers in order to facilitate their early indictment, trial and judgement before the Rwandan High Court.

We welcome the work of the Tribunals on strengthening the capacity of national authorities to handle the remaining war crime cases effectively. We fully support — including with financial means — the training and information exchanges, as well as the access to publicly available investigating material and evidence from the Tribunals. This is important for the Tribunal's legacy and for the domestic capacity to adjudicate war crimes. In its Stabilization and Association Process for the Western Balkans, the European Union is increasingly underlining the importance of local ownership for handling war crime cases in line with the need to fight impunity.

The European Union and its member States further welcome the launch on 2 July of the Arusha branch of the International Residual Mechanism for Criminal Tribunals, pursuant to Security Council resolution 1966 (2010) of 22 December 2010, following the election on 20 December 2011 of a roster of 25 judges who will serve the Mechanism and form its core.

In its first decision of 5 October, the Appeals Chamber of the Mechanism upheld a decision by the ICTR to transfer a case to the Republic of Rwanda for trial proceedings. In reaching its decision, the Appeals Chamber stated that the Mechanism's statute and Rules of Procedure and Evidence reflect normative continuity with those of the ICTY and ICTR. According to the Appeals Chamber, these parallels are not simply a matter of convenience or efficiency, but serve to uphold principles of due process and fundamental fairness, which are the cornerstone of international justice. We look forward to the establishment of the ICTY branch of the Mechanism, which is foreseen on 1 July 2013.

Finally, we welcome the steps taken by the Tribunals in terms of capacity-building, dissemination of information and legacy. We note in particular the Conference hosted by the ICTY in November 2011 on the global legacy of the Tribunal, and that efforts have been deployed towards creating information centres in the region of the former Yugoslavia. We also note the workshops, legal trainings and exhibitions organized by the ICTR. It is important that knowledge gained and lessons learned in the fight against impunity not be forgotten.

Mr. Kumar (India): I am honoured to speak before the General Assembly. At the outset, I thank Judge Meron, President of the International Tribunal for the Former Yugoslavia (ICTY), and Judge Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), for their excellent presentations,

and congratulate them on expediting the work of the Tribunals.

India is committed to global peace and to upholding human rights, and is steadfast in its support for counter-terrorism. India welcomes the progress made by the two Tribunals in implementing their completion strategy. We are happy that all organs of the Tribunals are ensuring their best efforts to complete their work expeditiously and to prepare for a smooth transition to the International Residual Mechanism for Criminal Tribunals. We are also pleased to note that while focusing on their goal of completing their judicial proceedings as soon as possible through intense trial, referral and appeals activity and judgement drafting, the two Tribunals were equally mindful that due process not be sacrificed.

It is very reassuring that the preparations for the commencement of the Mechanism are on track, including the development of a budget proposal for the biennium 2012-2013 and the Rules of Procedure and Evidence for the Mechanism. We welcome the opening of the Arusha branch of the Mechanism, which started its operations on 1 July. We are confident that the Mechanism will make good progress under the leadership of Judge Meron, who is also double-hatting as the Mechanism's President.

We appreciate the close cooperation between the two Tribunals and the Security Council. We are happy to note that the recommendations made by the Security Council pursuant to the request of the Tribunals, including on hiring and retaining qualified interns and other issues, has brought tangible results and helped the Tribunals progress faster towards the implementation of the completion strategy and the launch of the Mechanism.

We appreciate the untiring efforts made by Judge Meron, who has adopted a variety of reforms to improve the functioning of various sections of the Tribunal. As a result, the trials of Mladić, Hadžić and Karadžić could be advanced many months ahead of their expected schedule. Similarly, appeals in some cases were advanced significantly ahead of their schedule. This is a very positive sign, and we congratulate Judge Meron on this welcome development.

We are also happy to note that the ICTR has completed work at the trial level. The Appeals Chamber upheld the decision to refer the first ICTR case to Rwanda for trial, and a further six cases of fugitive accused have been referred to Rwanda. It is important that all trials be on track and completed by end 2012.

It is critical to help the Tribunals finish their work on time. We listened very carefully to the concerns raised by the Presidents of the two Tribunals in relation to their ability to keep pace with their work while adhering to the expected timelines until the close of business. The Judges have pointed out that trials and appeals continue to be affected by staffing shortages and the loss of highly efficient staff members. We share the concerns expressed by the Judges, especially on the need for retaining adequate and experienced staff.

The Judges also raised the issue of the relocation of acquitted persons and those who have already served their sentences. Some of them have been living in safe homes in Arusha for the past five years. This is an important humanitarian issue and requires careful consideration. We urge the Secretariat and the Security Council to give careful consideration to the suggestions made by the Judges on how to address this challenge. This is a practical issue that requires the consideration of pragmatic and innovative solutions, and we stand ready to work with other members of the Council to solve this problem.

We also commend the efforts of the Prosecutors of the two Tribunals to undertake outreach initiatives, including training aimed at strengthening the capacity of national systems to handle referred cases effectively. We would like to see the legacy of the Tribunals preserved. We agree with Judge Joensen's conclusion that the Tribunals' impact will not only be challenging impunity, but also helping to improve the means to dispense justice for an entire region.

The cooperation of all concerned States is vital to ensuring the completion of the mandates of the Tribunals and the successful implementation of the completion strategy. We appreciate Serbia's sustained efforts in that regard and request other States to extend effective cooperation so that the remaining fugitives can be located soon and surrendered to end impunity.

We also note with satisfaction the progress made in the implementation of the International Residual Mechanism for Criminal Tribunals. Any functional, operational or institutional issue in the implementation of the completion strategy or the Mechanism may be addressed by the Council, in consultation with its Informal Working Group on International Tribunals and with the assistance of the Office of Legal Affairs.

We believe that the two Tribunals have admirably implemented their mandates. We consider the support of the Security Council to be crucial at this critical juncture in the life of the Tribunals. At the same time, we urge both Tribunals to continue to take all necessary measures to keep the trial and appeal schedules on track. This will pave the way for successful trials for the remaining accused and the smooth implementation of an efficient Residual Mechanism.

Mr. Nduhungirehe (Rwanda): Let me at the outset thank Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia (ICTY), and Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), for their comprehensive reports on the completion strategy of their respective tribunals.

Rwanda commends the achievements of the ICTR during the period under review, despite challenges in staff retention and recruitment. Since its inception, the ICTR has delivered 74 trial judgements, including 44 by the Appeals Chamber. Moreover, eight cases have been transferred to Rwanda, including two cases of indictees in custody. Rwanda welcomes these developments and expresses its gratitude to the Tribunal for these referrals as a vote of confidence in Rwanda and its justice system.

As indicated in the ICTR report (A/67/253), Rwanda continued and will continue to cooperate with the Tribunal. The Rwanda Witness Protection Service continued to facilitate access to witnesses from both sides, while ensuring their security and assisting their movement from and to Arusha. My Government has also, as usual, extended support to investigations and made available all relevant documents.

Rwanda welcomes the decision taken by the Government of Zimbabwe to launch a manhunt for the fugitive Protais Mpiranya, one of the masterminds of the Rwanda genocide perpetrated against the Tutsi in 1994. We urge other countries in the region to make similar efforts and to cooperate with the ICTR in tracking, arresting and transferring the remaining fugitives, particularly the most wanted, Félicien Kabuga.

Rwanda also welcomes the decision taken in January by the Federal Court of Canada to extradite Léon Mugesera to Rwanda, a genocide suspect well known for his November 1992 hate speech against the Tutsi. My delegation takes this opportunity to encourage all Member States, particularly in Europe and North America, to arrest and extradite all genocide fugitives and suspects living on their soil.

My delegation takes note of the commitment of the ICTR to continue monitoring the cases of Father Wenceslas Munyeshyaka and Laurent Bucyibaruta, who were transferred to France in November 2007. However, five years after the referral, Rwanda notes with concern the delays in the procedure in France. Therefore, we call upon the ICTR to produce a more substantive report on the status of the prosecutions of the two cases. On this issue, we may recall that, under rule 11 bis of its Rules of Procedure, the ICTR has the right and the duty to revoke these referrals from the French courts if those delays persist.

The position of Rwanda regarding the ICTR archives is well known. Our country believes that the ICTR archives should remain the property of the United Nations. Genocide is a crime against humanity, and it is right and appropriate that the Organization representing the community of nations keep these records. Nonetheless, Rwanda has, on many occasions, formally requested to host these United Nations archives in Kigali upon completion of the work of the International Residual Mechanism for Criminal Tribunals. Indeed, these records constitute an integral part of our history and are vital to the preservation of the memory and education of younger generations. The location of the archives in Rwanda would ensure easy access to genocide survivors, researchers and the broader international community with a view to achieving the mission of the United Nations to promote peace and to ensure the prevention of genocide.

Eighteen years after a devastating genocide, Rwanda, with the support of the international community, has come a long way in delivering justice to victims and promoting reconciliation in Rwanda. The community-based jurisdictions, or gacaca, were officially closed on 18 June after trying more than 400,000 cases and fostering truth and reconciliation. For its part, the ICTR is now in its final phase and has brought a number of genocide fugitives to book.

To conclude, our Government pays tribute to its people and commends the ICTR and the Governments of sister countries that have contributed to the healing of our people and to the fight against impunity for serious crimes. Rwanda, as a candidate for a non-permanent seat on the Security Council this coming Wednesday, will continue, if elected, to support the work of the

ICTR and the Residual Mechanism to achieve the same goal.

Mr. Norman (Canada): I have the honour of speaking today on behalf of New Zealand and Australia, as well as Canada (CANZ).

The CANZ countries wish to take this opportunity to express our strong support for the International Criminal Tribunal for Rwanda (ICTR) and the International Tribunal for the Former Yugoslavia (ICTY), as well as for the newly operational International Residual Mechanism for Criminal Tribunals, and to encourage States to maintain their support for those institutions.

The CANZ countries commend the significant achievements of the Tribunals to date, as well as their efforts to complete their remaining work by the end of 2014, as set out in their respective completion strategies.

The record of the ICTY speaks for itself. Proceedings have already been concluded for 126 accused, with the remaining 35 currently at some stage of proceedings before the Court. The CANZ countries especially welcome the commencement of proceedings against the final two ICTY fugitives, Goran Hadžić and Ratko Mladić, who will now finally face justice for their actions. We support the ICTY's completion strategy, and particularly its focus on the prosecution of the most senior leaders, with cases involving middle- and lower-ranking accused being referred to national courts in the former Yugoslavia.

As for the ICTR and its significant achievements, it has indicted 92 individuals, although nine indictees remain at large. We call upon States to make special efforts to ensure that those fugitives are brought to justice, noting that the cases of six of the fugitives have been transferred to Rwanda, with the Mechanism retaining jurisdiction over the cases of Augustin Bizimana, Félicien Kabuga and Protais Mpiranya.

The CANZ countries recognize the excellent work of both Tribunals in involving domestic courts through training programmes, study visits and the referral of certain cases. That has had the direct effect of increasing the capacity of local actors to handle serious international crimes and other major cases. Other beneficial effects include the strengthening of the rule of law and the fostering of reconciliation in those regions. We also acknowledge the outstanding outreach undertaken by both Tribunals to make judgements accessible and understandable to victims and affected communities.

(*spoke in French*)

The CANZ countries note with satisfaction that the branch of the International Residual Mechanism for Criminal Tribunals covering functions inherited from the ICTR opened for work in July. We are confident that the handover of functions derived from the ICTY on 1 July 2013 — in addition to its work undertaken to prosecute ICTR fugitives, conduct appeal and retrial functions and trials for contempt and false testimony — will proceed just as smoothly. The CANZ countries wish to underscore the importance they attach to the Mechanism's work relating to the enforcement of sentences, witness protection, and the maintenance of the Tribunals' archives, which are critical legacy functions. The CANZ countries urge the Mechanism to prioritize efficiency in operations and calls on the international community to provide the Mechanism with the support it requires to fulfil its mandate effectively.

The ICTY and ICTR have proved their value by significantly contributing to the re-establishment of the rule of law, by developing the jurisprudence in the area of major international crimes, and by delivering effective justice to victims of such crimes. The work of the Tribunals has greatly advanced the cause of international criminal justice and will lay a solid foundation for future courts and tribunals. Australia, New Zealand and Canada will continue to offer our full support and cooperation to the Tribunals and to the Mechanism in their pursuit of international justice and the rule of law.

Ms. Prince (United States of America): First, let me thank President Meron of the International Tribunal for the Former Yugoslavia (ICTY) and of the International Residual Mechanism for Criminal Tribunals, and President Joensen of the International Criminal Tribunal for Rwanda (ICTR) for briefing us today and for their continued service. We thank Judge Meron for his service as President of both the ICTY and the Residual Mechanism. We are proud of him for his service as a jurist and consider him to be a giant in the field of international criminal justice. We welcome the strong and valuable leadership of both Presidents.

Since the last presentation to the Security Council, the International Residual Mechanism for Criminal Tribunals successfully began its functioning in July at its Arusha branch, and has already rendered its first decision. The transfer to the courts of Rwanda of the case of ICTR fugitive Phénéas Munyarugarama, a

former military commander in the Rwandan army charged with genocide, complicity in genocide, and direct and public incitement to commit genocide and multiple counts of crimes against humanity.

We welcome Rwanda's willingness to fairly adjudicate transferred cases and commend the ICTR for arranging for the monitoring of trials in Rwanda. A strengthened national legal and justice sector will promote the long-term rule of law and stability in the region. We call on all States, particularly those in the Great Lakes region, to help apprehend the remaining fugitives and bring them to justice, whether through the ICTR, the Residual Mechanism or the courts of Rwanda. Those who harbour fugitives put themselves in peril and are only delaying the inevitable. We urge all States Members of the United Nations to continue to search for them and cooperate in those efforts.

The United States again commends the Tribunal Presidents for their efforts to enact cost-saving managerial and administrative measures in the ICTR, the ICTY and the International Residual Mechanism for Criminal Tribunals, and their efforts in transferring remaining functions of the Tribunals to the Residual Mechanism. Their efforts are especially important, given the unpredictability of the trial process, which can affect the length and expense of trials and appeals. We again underline the need of the Security Council to remain flexible in that regard.

Turning to the ICTY, we note that the trial of Goran Hadžić began last week. Hadžić was the last ICTY indictee apprehended, and his is the final trial to begin. Now all of the ICTY indictees are or have been on trial. We look forward to the ICTY Prosecutor's report at the end of the year so that we can learn more about Serbia's efforts to bring to justice those who hid Mladić, Hadžić and other ICTY fugitives, and who frustrated attempts to bring them to justice for so many years. The Governments of the region must work more assiduously towards reconciliation, avoiding actions and statements that are meant to inflame tensions rather than assuage them. Their records of cooperation with the ICTY and one another, as well as their progress on domestic justice and accountability initiatives, will be critical in that regard.

We also note that it has been almost 20 years since the Security Council established the ICTY and, later, the ICTR. Since then, those Tribunals have articulated a robust body of international humanitarian law, and they represent a strong legacy in the international fight against impunity for those who commit atrocities. The defendants convicted in Tribunal proceedings to date have been tried and found guilty of some of the most heinous crimes known to humankind. Thanks to the hard work of the Tribunals, and to the international community for funding them, the world now knows about those crimes, and their perpetrators are being held accountable for their actions.

In addition, there are now archives and public records that will be accessible for generations to come, bringing to light stories that would otherwise be lost or hidden in the shadows. This information is critical to combating the concerted efforts of those who seek to promote an alternative historical narrative at variance with judicially established fact. In addition to combating impunity, the Tribunals' contributions in the areas of local capacity-building and education will help to foster long-term peace and reconciliation. The international community must continue to fund these archives and efforts to promote reconciliation.

The United States remains committed to working with the international community to help protect populations from atrocities. We continue to take action to address ongoing atrocity situations and urge others to do so as well. We must also improve our national tools and collective efforts on prevention, response and accountability, with a focus on concrete results.

Mrs. Mørch Smith (Norway): Let me begin by extending our sincere thanks and appreciation to the Presidents of the International Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the Former Yugoslavia (ICTY), Judges Joensen and Meron, respectively. Their briefings today, together with the Tribunals' annual reports before us (A/67/253 and A/67/214), reflect the tireless efforts of the two Tribunals to successfully complete their mandates. It is our strong conviction that justice is a prerequisite for national reconciliation and lasting peace. As the work of the two Tribunals draws to a close, there is no doubt that they have laid a strong foundation for international peace and justice through their development and enforcement of international criminal law.

Last year was marked by the arrests of the remaining fugitives from the Tribunal for the Former Yugoslavia. This was a historic precedent, demonstrating that international justice can indeed be delivered. At the same time, we expressed our grave concern about the relatively high number of outstanding arrest warrants from the Tribunal for Rwanda. Unfortunately, this

number does not seem to have decreased during the reporting period. According to the ICTR's annual report, the cooperation and support of some Member States are essential to apprehending three fugitives who have yet to be arrested. However, we should also take into account that six other cases against accused fugitives were referred to Rwanda during the reporting period. We strongly urge all States, especially those of the Great Lakes region, to intensify their efforts to help ensure the arrest of the remaining nine fugitives.

Concluding the remaining proceedings against those indicted without delay, while at the same time fully respecting international standards of due process, is a challenge shared by both Tribunals. We welcome the measures taken by the Tribunals during the reporting period to increase efficiency. We appreciate the fact that they have made substantial progress towards finalizing their trial and appeals work, notwithstanding serious budgetary and staffing constraints. We are all grateful to the Tribunals' staff for their commitment to fulfilling the Tribunals' mandates.

If the Tribunals are to successfully conclude their mandates, they must still depend on the full cooperation of all States, and in particular the States of the former Yugoslavia and the Great Lakes region. In that regard, we commend the efforts made by Rwanda, with the support of the international donor community, to strengthen its national criminal judicial system. This has allowed the ICTR to refer eight cases to Rwanda for national trials, in connection with the ICTR's completion strategy. We now trust that Rwanda will put into practice the commitment it has made regarding its good faith, capacity and willingness to enforce the highest standards of international justice.

We are also pleased to note that cooperation between the ICTY and the countries of the former Yugoslavia was good during the reporting period. We are, however, concerned about information concerning political statements that could undermine the reconciliation effects of the ICTY's legal and factual findings and national efforts to prosecute people charged with war crimes.

The continuing fight against impunity for those who committed war crimes during the two conflicts is a shared responsibility, and will not end with the closure of the two Tribunals. It is therefore important to foster more effective cooperation between States, in particular between the countries or the regions concerned, and to strengthen the capacity of national judicial institutions to effectively handle the many war-crime cases that remain to be prosecuted.

The Arusha branch of the International Residual Mechanism for Criminal Tribunals has already begun operating, and The Hague branch will open soon. The ICTR has already handed over the files of the three high-level fugitives to the Prosecutor of the Mechanism. The establishment of the Mechanism will allow these two pioneering Tribunals to close without fear that impunity will prevail. As the mandates of the two ad hoc Tribunals draw to a close, the Residual Mechanism will have an important role to play in ensuring their long-term legacy. We are confident that the work of the Tribunals will lead the way in the continued fight against impunity.

Mr. Manongi (United Republic of Tanzania): At the outset, let me join previous speakers in thanking Judge Vagn Joensen, President of the International Criminal Tribunal for Rwanda (ICTR), and Judge Theodor Meron, President of the International Tribunal for the Former Yugoslavia (ICTY), for presenting the annual reports of their Tribunals (A/67/253 and A/67/214). We note with gratitude the progress made in the completion strategies of the ICTR and ICTY during the period under review. We take this opportunity once again to congratulate President Theodor Meron and Prosecutor Hassan Jallow on their appointments to the International Residual Mechanism for Criminal Tribunals. The Mechanism will benefit immensely from their expertise and experience.

My delegation notes with satisfaction the progress made by both of the Tribunals in expediting their work as they wind down. Our appreciation goes to the Presidents of the Tribunals, the judges and staff for their outstanding work in finalizing the judicial activity within the required time frame. The reports of the Tribunals reflect the concrete progress made thus far.

We note that as the Tribunals complete their mandates, the recruitment and retention of staff continue to pose major challenges to the work of the Tribunals. While noting with appreciation measures taken by the Department of Management to ensure the quick replacement of departing staff, we commend the significant achievements made by both Tribunals in the implementation of the completion strategy. My delegation therefore supports ICTR's appeal to the Secretariat and other relevant United Nations bodies

to work closely with the Registrars of the Tribunals in looking for more practical ways of addressing the problem of staff attrition. We support the idea of providing adequate resources to make it possible for the Tribunals to complete their work in a timely manner.

My delegation is pleased that the Tribunals have continued to further develop interaction and cooperation with the authorities of the former Yugoslavia and Rwanda to support domestic war crimes prosecution. We look forward to seeing further enhancement of such cooperation in the prosecution of war crimes in a bid to end impunity.

The cooperation of States Members of the United Nations would also be helpful in the transfer of individuals who have been either convicted or acquitted, or those who have completed their sentences. The President of the ICTR has been making efforts to find host States for some acquitted persons who are under the Tribunal's protection in Arusha. The issue of the relocation of acquitted and convicted persons has assumed urgency in view of the pending closure of the Tribunal. We call upon States to consider positively the Tribunals' request for more support and cooperation. We also appeal to Member States to provide full cooperation in ensuring that fugitives who are still at large are finally brought to justice.

The establishment of the International Residual Mechanism is significant to the continued protection of the rights of victims, witnesses and persons tried by the ICTR and ICTY and to maintaining the legacy of the Tribunals. Allow me to commend the practical arrangements made by the Secretary-General, pursuant to Security Council resolution 1966 (2010), in ensuring that the operations of the International Residual Mechanism for Criminal Tribunals begins. The preparation of the budget of the Residual Mechanism for the biennium 2012-2013 and the drafting of its Rules of Procedure and Evidence are testimony to those efforts, which culminated in the inauguration of the Mechanism's Arusha branch on 1 July. We wish to commend the Tribunal and the Office of Legal Affairs for their contribution to that endeavour.

With active steps being taken by both the Secretary-General and the President of the Mechanism, it is our firm conviction that the Mechanism's Hague branch will commence on 1 July 2013, as scheduled. We once again call upon the United Nations to provide the necessary support to make the smooth functioning of the Mechanism possible.

As host country to the Mechanism's Arusha branch, we convey our appreciation to the international community for the trust and confidence bestowed upon the Government of the United Republic of Tanzania, and particularly for making the launching of the Mechanism possible. Tanzania remains ready and willing once again to assume its obligations. To that end, we will continue follow up closely on all pending issues pertaining to the construction of the Mechanism's Arusha branch building on the land allotted to it with the urgency it deserves. The Government of the United Republic of Tanzania reiterates its continued support to the International Residual Mechanism.

In conclusion, the two decades of the Tribunals have made a commendable contribution to the development of international criminal law. As the work of the ad hoc Tribunals winds down, the International Residual Mechanism begins to take shape. The proceedings, decisions and judgments of the Tribunals have provided indispensable guidance to national and international courts. The lessons learned have been instrumental in disseminating the rule of law and the application of international criminal jurisprudence. Now it is up to the international community to ensure the success of that legacy through the Residual Mechanism.

Mr. Starčević (Serbia): Let me begin by welcoming the President of the International Tribunal for the Former Yugoslavia, Judge Theodor Meron, and the President of the International Criminal Tribunal for Rwanda, Judge Vagn Joensen, and thanking them for their presentation of the annual reports of the two Tribunals (A/67/253 and A/67/214).

In connection with the International Tribunal for the Former Yugoslavia (ICTY), I would like to point out that all the Government agencies of the Republic of Serbia in charge of cooperation with the ICTY maintain good professional relations with ICTY representatives and defence teams alike. That cooperation has been continuous, smooth and successful. My country believes that full cooperation between Serbia and the ICTY has been achieved. With the arrest and transfer to The Hague of Goran Hadžić on 22 July 2011, Serbia completed its cooperation with the ICTY regarding the transfer of indictees. It transferred to the Tribunal 45 out of 46 persons indicted for war crimes; one person died before his transfer could be effected. Those persons

included two former Presidents of the country, a former Prime Minister, a former Deputy Prime Minister, three former heads of the General Staff of the army of Yugoslavia, a former head of the State security service, and a number of military and police generals.

Serbia fully understands the interest of the Tribunal in the so-called fugitive aid network. The tracking down of the persons who took part in aiding the fugitives is, first and foremost, of great importance to my country, all the more so as the issue burdened Serbia's international position over a protracted period of time. Although we believe that the investigation and the processing of suspects is an internal question to be dealt with by national courts, the competent Serbian authorities will continue to provide, in good faith, information to the Office of the Prosecutor about the achieved results on a regular basis.

My country continues to cooperate with the Tribunal Chambers, the Office of the Prosecutor and the Secretariat, as well as with defence teams regarding documentation, State archives and witnesses. Almost all requests in that regard have been fulfilled. Only recent ones are still in the process of realization, and the new requests are being considered without delay. Serbia will continue to maintain the achieved level of that cooperation with the Tribunal.

Serbia is committed to establishing the full truth about crimes committed during armed conflicts in the territory of the former Yugoslavia, which includes the punishment of all those responsible for crimes, irrespective of their nationality or the nationality of the victims. Therefore, Serbia is fully determined to maintain the achieved level of cooperation with the Tribunal in the future as well, including the establishment of cooperation with the International Residual Mechanism for Criminal Tribunals.

The results Serbia achieved in its cooperation with the Tribunal, including the fact that Serbian national courts have so far processed 389 persons indicted for criminal offences against international humanitarian law, are telling evidence of the contribution of my country to the achievement of the goals and objectives of the ICTY completion strategy, as well as to the process of the normalization of relations in the region.

Let me also say that my country maintains that our successful cooperation with the Tribunal gives us every right to continue to insist on the effective investigation into the allegations of the crimes of killing people for the purpose of organ trafficking, committed by the so-called Kosovo Liberation Army. Serbia expects that the ongoing investigation into the war crimes allegations contained in the 7 January, 2011, report of Mr. Dick Marty, Council of Europe Special Rapporteur, will be conducted professionally, impartially and efficiently in order for the truth to be established and perpetrators brought to justice. My country will continue to insist on that.

Mr. Panin (Russian Federation) (*spoke in Russian*): We thank the Presidents of the Tribunals for the presentation of their reports. We appreciate the updated information on the progress of the work of both bodies in the current final stage of their mandate, largely within the perspective of the opening in July of the Rwanda branch of the International Residual Mechanism for Criminal Tribunals and the forthcoming opening of the Yugoslav branch. We note in that context the efforts of the Tribunal leadership to launch the Residual Mechanism on time and to effectively prepare its Rules of Procedure and to recruit the necessary staff. Furthermore, the staff of the Tribunals deserve high praise for their ongoing work in the Tribunals and the Residual Mechanism.

The Tribunals now have two interrelated tasks to effectively complete the remaining elements of their mandate and to complete their work in line with the timeline set out in Security Council resolution 1966 (2010), which calls for a speedier transfer of cases to the Residual Mechanism, which has already begun to operate, and to national jurisdictions.

The Tribunals are delivering justice well in the trial jurisdictions. In the International Tribunal for the former Yugoslavia (ICTY), there are no major delays in consideration of the *Mladić* and *Hadžić* cases. The International Criminal Tribunal for Rwanda (ICTR), in line with Security Council resolution 2054 (2012), has promised to complete its work on the *Ngirabatware* case before the end of 2012. That will be its last case for trial proceedings.

There has been concern over the appeals of cases, which, in accordance with the transition provision of the statute of the Residual Mechanism, will remain with the Tribunals. The Tribunals continue to have difficulty respecting the timetable for legal proceedings. We draw particular attention to the ICTY on the planned appeals in the cases of *Prlić et al.*, *Šešelj* and *Tolimir*. These probably should have been transferred to the Residual

Mechanism, but even if they remain in the Appeals Court, they should be completed before the end of 2014.

We regret the fact that the appeals at the ICTR in the *Nizeyimana* and *Nzabonimana* cases have not been transferred to the Residual Mechanism, although all conditions were in place to do so. The time gaps between the dates of sentencing, making defence appeals, and the opening of the Rwanda branch of the Residual Mechanism were minimal compared with the overall time scale of the legal proceedings, which was enormous. However, such a transfer would have allowed them not only to reduce the workload of the Appeals Court, but to bring up to speed the Residual Mechanism, giving it time for a warm-up before receiving appeals from the ICTY.

In conclusion, I note the significant support received by the Tribunals from States in both regions. Serbia has demonstrated a high level of cooperation with the ICTY. Serbia has launched investigations into how Goran Hadžić and Ratko Mladić were able to be on the run for so long on its territory. The quality of investigations should in no way be called into question, particularly taking into account the fact that there are already enough and even more serious problems associated with the ICTY and ICTR. We also approve of the practical decision adopted by Rwanda, which has actively cooperated with the ICTR by assuming cases under its jurisdiction.

The Acting President: We have heard the last speaker in the debate on these agenda items.

May I take it that it is the wish of the Assembly to take note of the seventeenth annual report of the International Criminal Tribunal for Rwanda?

It was so decided.

The Acting President: May I take it that it is the wish of the Assembly to take note of the nineteenth annual report of the International Tribunal for the former Yugoslavia?

It was so decided.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda items 72 and 73?

It was so decided.

The meeting rose at noon.